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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,326	01/03/2002	Fangli Hao	LAMIP132C1	3569
22434	7590	04/16/2007	EXAMINER	
BEYER WEAVER LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			ART UNIT	PAPER NUMBER

DATE MAILED: 04/16/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	<b>Application No.</b> 10/040,326	<b>Applicant(s)</b> HAO ET AL.	
	<b>Examiner</b> Luz L. Alejandro	<b>Art Unit</b> 1763	

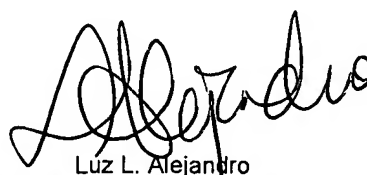
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 31 January 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH** or **THIRTY DAYS** from the mailing date of this Notification, whichever is longer.  
**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and **relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

  
Luz L. Alejandro  
Primary Examiner  
Art Unit: 1763

Continuation of 10. Other (including any explanation in support of the above items): The examiner respectfully contends that the summary of the claimed subject matter exceeds applicant's instant claimed invention. For instance, applicant's Summary of Claimed Subject Matter discusses, inter-alia, "a plasma reactor 100"; "process chamber 102"; "upper electrode 104"; "first RF power supply 106"; "gas inlet 108 provided within the upper electrode 104 for releasing gaseous source materials"; "substrate 110 is introduced into chamber 102 and disposed on a pedestal 112"; "uniformity pedestal"; "uniformity pedestal configured to produce a uniform electric field"; and the like (See pages 3-5 of the Appeal Brief filed 1/31/07). Since section V (5) of the Appeal Brief is strictly related to the SUMMARY of CLAIMED Subject Matter, applicant is kindly requested to show where the present claims or independent claim do recite, for example, each and every limitation mentioned above. Furthermore, applicant is requested to amend section V (5) of the Appeal Brief (SUMMARY OF CLAIMED SUBJECT MATTER) as to only include the instant claimed limitations since it appears that applicant's SUMMARY of CLAIMED Subject matter is not commensurate in scope with the present invention as instantly claimed. See MPEP 1205.02. Note that the above mentioned instances are only examples and that a review of all of the Summary of Claimed Subject Matter section is required.



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10/040326

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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20070412

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Commissioner for Patents

See the attached Notification of Non-Compliant Appeal Brief.

A handwritten signature in black ink, appearing to read "L. Alejandro", written in a cursive style.

Luz L. Alejandro  
Primary Examiner  
Art Unit: 1763